

T.W.

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/586,943	DEYOUNG, PERRY R.	
	Examiner Clark F. Dexter	Art Unit 3724	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address.*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the response filed on October 12, 2004.

2.  The allowed claim(s) is/are 1-66.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- 1.  Notice of References Cited (PTO-892)
- 2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
- 4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
- 5.  Notice of Informal Patent Application (PTO-152)
- 6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
- 7.  Examiner's Amendment/Comment
- 8.  Examiner's Statement of Reasons for Allowance
- 9.  Other \_\_\_\_\_.

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Marcus Dolce on December 22, 2005.

2. The application has been amended as follows:

In the Claims

Claims 1 and 2 have been rewritten as follows:

--1. (currently amended) A food press comprising:  
a hopper with a lid, the lid having an open position and a closed position;  
a latch assembly adapted to maintain the lid in the closed position when activated and to discontinue maintaining the lid in the closed position when deactivated;  
a press plate vertically slidable within the hopper;  
the hopper being adapted to accept food between the lid and the press plate;  
the press plate adapted to be driven towards the lid in order to compress the food between the press plate and the lid within the hopper; [[and]]

wherein when a drive for the press plate is actuated, the latch assembly automatically activates to maintain the lid in the closed position while the press plate is being driven towards the lid.

2. (currently amended) The food press of claim 1, further including: A food press comprising:

~~a hopper with a lid, the lid having an open position and a closed position;~~  
~~a latch assembly adapted to maintain the lid in the closed position when activated and to discontinue maintaining the lid in the closed position when deactivated;~~  
~~a press plate vertically slidable within the hopper;~~  
~~the hopper being adapted to accept food between the lid and the press plate;~~  
~~the press plate adapted to be driven towards the lid in order to compress the food between the press plate and the lid within the hopper; and~~  
~~wherein the latch assembly automatically activates to maintain the lid in the closed position while the press plate is being driven towards the lid, and~~  
~~further including a delay device configured to delay the driving of the press plate towards the lid such that the latch assembly is activated a predetermined amount of time before the press plate is driven towards the lid.--.~~

Claim 18 has been amended as follows:

--18. (currently amended) A food press comprising:

a hopper with a lid, the lid having an open position and a closed position;

a latch assembly adapted to maintain the lid in the closed position when activated and to discontinue maintaining the lid in the closed position when deactivated; a press plate vertically slidable within the hopper; the hopper being adapted to accept food between the lid and the press plate; the press plate adapted to be driven towards the lid in order to compress the food between the press plate and the lid within the hopper; wherein when a drive for the press plate is deactuated, the latch assembly automatically deactivates to discontinue maintaining the lid in the closed position after the food has been compressed within the hopper.--.

Claim 35 has been amended as follows:

--35. (currently amended) The food press of claim 3, further including: A food press comprising:

~~a hopper with a lid, the lid having an open position and a closed position;~~  
~~a latch assembly adapted to maintain the lid in the closed position when activated and to discontinue maintaining the lid in the closed position when deactivated;~~  
~~a press plate vertically slidable within the hopper;~~  
~~the hopper being adapted to accept food between the lid and the press plate;~~  
~~the press plate adapted to be driven towards the lid in order to compress the food between the press plate and the lid within the hopper;~~  
~~wherein the latch assembly automatically deactivates to discontinue maintaining the lid in the closed position after the food has been compressed within the hopper, and~~

~~further including~~ a delay device configured to delay the driving of the press plate towards the lid such that the latch assembly is activated a predetermined amount of time before the press plate is driven towards the lid.--.

Claims 39 and 40 have been rewritten as follows:

--39. (currently amended) A food press comprising:

    a hopper with a lid, the lid having an open position and a closed position;  
    a closure mechanism comprising a first member on the lid and a second member on the hopper configured to interact to maintain the lid in the closed position when the closure mechanism is activated and to discontinue maintaining the lid in the closed position when the closure mechanism is deactivated;

    a press plate vertically slidable within the hopper;  
    the hopper being adapted to accept food between the lid and the press plate;  
    the press plate adapted to be driven towards the lid in order to compress the food between the press plate and the lid within the hopper; ~~[[and]]~~

    wherein when a drive for the press plate is actuated, the closure mechanism automatically activates to maintain the lid in the closed position while the press plate is being driven towards the lid.

40. (currently amended) The food press of claim 39, further including: A food press comprising:

~~a hopper with a lid, the lid having an open position and a closed position;~~

~~a closure mechanism comprising a first member on the lid and a second member on the hopper configured to interact to maintain the lid in the closed position when the closure mechanism is activated and to discontinue maintaining the lid in the closed position when the closure mechanism is deactivated;~~

~~a press plate vertically slidable within the hopper;~~

~~the hopper being adapted to accept food between the lid and the press plate;~~

~~the press plate adapted to be driven towards the lid in order to compress the food between the press plate and the lid within the hopper; and~~

~~wherein the closure mechanism automatically activates to maintain the lid in the closed position while the press plate is being driven towards the lid, and~~

~~further including a delay device configured to delay the driving of the press plate towards the lid such that the closure mechanism is activated a predetermined amount of time before the press plate is driven towards the lid.--.~~

Claim 50 has been amended as follows:

--50. (currently amended) A food press comprising:

a hopper with a lid, the lid having an open position and a closed position;

a closure mechanism comprising a first member on the lid and a second member on the hopper configured to interact to maintain the lid in the closed position when the closure mechanism is activated and to discontinue maintaining the lid in the closed position when the closure mechanism is deactivated;

a press plate vertically slidable within the hopper;

the hopper being adapted to accept food between the lid and the press plate;  
the press plate adapted to be driven towards the lid in order to compress the food  
between the press plate and the lid within the hopper;  
wherein when a drive for the press plate is deactuated, the closure mechanism  
automatically deactivates to discontinue maintaining the lid in the closed position after  
the food has been compressed within the hopper.--.

Claims 61 and 62 have been rewritten as follows:

--61. (currently amended) A food press comprising:  
a hopper with a lid, the lid having an open position and a closed position;  
means for maintaining the lid in the closed position when the means for  
maintaining is activated and to discontinue maintaining the lid in the closed position  
when the means for maintaining is deactivated;  
a press plate vertically slidable within the hopper;  
the hopper being adapted to accept food between the lid and the press plate;  
the press plate adapted to be driven towards the lid in order to compress the food  
between the press plate and the lid within the hopper; [[and]]  
wherein when a drive for the press plate is actuated, the means for maintaining  
automatically activates to maintain the lid in the closed position while the press plate is  
being driven towards the lid.

62. (currently amended) A food press comprising:

    a hopper with a lid, the lid having an open position and a closed position;

    means for maintaining the lid in the closed position when the means for maintaining is activated and to discontinue maintaining the lid in the closed position when the means for maintaining is deactivated;

    a press plate vertically slidable within the hopper;

    the hopper being adapted to accept food between the lid and the press plate;

    the press plate adapted to be driven towards the lid in order to compress the food between the press plate and the lid within the hopper;

    wherein when a drive for the press plate is deactuated, the means for maintaining automatically deactivates to discontinue maintaining the lid in the closed position after the food has been compressed within the hopper.--.

Rejoinder of Withdrawn Claims

3. Due to the allowability of the respective independent claims, the restriction requirement has been withdrawn and the withdrawn claims have been rejoined.

In the Specification

In the replacement paragraph filed on October 21, 2002 for the paragraph beginning on page 3, line 26:

line 18, the following has been inserted before "towards":

--from a top 24 of the hopper 12--;

line 19, "24" has been deleted;

line 20, "when the hopper 12" has been deleted.

In the replacement paragraph filed on October 21, 2002 for the paragraph beginning on page 6, line 19:

line 6, "5" has been changed to --8--.

In the replacement paragraph filed on January 20, 2003 for the paragraph beginning on page 10, line 13:

line 4, "into the" has been deleted, and --the-- has been inserted before "first".

In the replacement paragraph filed on January 20, 2003 for the paragraph beginning on page 11, line 11:

line 23, "into the" has been deleted.

In the original specification:

Page 5, line 14, "2" has been changed to --1--.

Page 13, line 11, --relief-- has been inserted after the second occurrence of "pressure";

line 20, "fiction" has been changed to --friction--.

#### Additional Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The newly-cited prior art disclose inventions which have features similar to the claimed invention. However, these inventions, each taken alone or in

combination with the prior art of record, do not teach or fairly suggest the claimed invention.

### ***Reasons for Allowance***

5. The following is an examiner's statement of reasons for allowance:

The prior art of record, either taken alone or in combination, does not teach or fairly suggest the claimed invention. For example with claim 1, the prior art of record does not teach or suggest a food press comprising: a hopper with a lid as claimed; a latch assembly as claimed; a press plate as claimed; wherein when a drive for the press plate is actuated, the latch assembly automatically activates to maintain the lid in the closed position while the press plate is being driven towards the lid. That is, the prior art lacks at least the combination of claimed features including the structure connecting and/or providing a communication between the drive for the press plate and the latch assembly to cause the latch assembly to respond to the actuation of the drive for the press plate to perform the function of "when a drive for the press plate is actuated, the latch assembly automatically activates to maintain the lid in the closed position while the press plate is being driven towards the lid." The same applies for the other independent claims with respect to the corresponding language recited therein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter  
Primary Examiner  
Art Unit 3724

cfd  
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